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ATTENTION:	Examiner: _____ Art Unit: 2627 _____	

FROM:	TELEPHONE No.:
Michael J. Ure, Reg. No. 33,089	(408) 474 - 9077
RE:	Serial No.: 10/511,211 _____ Attorney Docket No.: GB020047US _____

TRANSMISSION INCLUDES:

12 Pages (including cover sheet)

Appeal Brief - 11 pages

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **MAR 16 2007**
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

First-Named Inventor: JBIRA

Application No.: 10/511,211 Conf.:

Date Filed: 10/13/2004

Customer No.: 65913

Atty Docket No.: GB020047

Art Unit: 2627

Examiner:

Title: MULTITRACK OPTICAL DISC READER

Mail Stop Appeal Brief-Patents
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TRANSMITTAL OF
BRIEF IN SUPPORT OF AN APPEAL

Sir:

Enclosed is the original of an Appeal Brief in the above-identified patent application.

Please charge the any and all required fees to Deposit Account No. 50-4019.

Date: MAR - 16 - 2007

Respectfully submitted,
NXP B.V.



By

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(Date) <u>3/16/07</u>	(Signature) <u>[Signature]</u>
	(Name) <u>Williamina Naga</u>

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

In re the Application

Inventor : Jbira
Application No. : 10/511,211
Filed : 10/13/2004
For : MULTITRACK OPTICAL DISC READER

APPEAL BRIEF

On Appeal from Group Art Unit 2627

Date: 03/06/2007

By: Michael Ure
Attorney for Applicant
Registration No. 33,089

APPEAL
Serial No.: 10/511,211

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RELATED PROCEEDINGS

EVIDENCE

TABLE OF CASES

NONE

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APPEAL
Serial No.: 10/511,211**I. REAL PARTY IN INTEREST**

The real party in interest is NXP B.V., the successor in interest to the present assignee of record of the present application, Koninklijke Philips Electronics N.V., and not the party named in the above caption.

II. RELATED APPEALS AND INTERFERENCES

With regard to identifying by number and filing date all other appeals or interferences known to Appellant which will directly effect or be directly affected by or have a bearing on the Board's decision in this appeal, Appellant is not aware of any such appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-5 have been canceled. Claim 7 has been allowed and claim 6 stands finally rejected. Claim 6 forms the subject matter of the present appeal.

IV. STATUS OF AMENDMENTS

All amendments have been entered. No amendment after final rejection has been submitted.

V. SUMMARY of the CLAIMED SUBJECT MATTER

The present invention relates to a multitrack optical disc reader, and particularly to a data buffering arrangement for the same. A pickup of the multitrack optical disc reader allows for up to N tracks to be read simultaneously. However, under some

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conditions, fewer than N tracks may be read at a time. A flexible buffering arrangement is provided such that buffer utilization remains high even when the number of tracks read at a time is less than a maximum number.

As recited in independent claim 6, when less than the maximum number of tracks are used, only FIFO buffers for data streams for those tracks used are defined, wherein each of the FIFO buffers defined has a size equal to the total FIFO memory that can be defined in the memory bank divided by the number of tracks being used.

The following analysis of independent claim 6 is presented for convenience:

Element	Figure(s)	Paragraph(s) and/or page(s)
6. A multitrack optical disc reader comprising:	Figure 2	
a multitrack optical pick up for reading data from multiple tracks of an optical disc and outputting data from each track in respective data streams; and	11, Figure 2	Page 3, lines 1-16
a memory bank in which first-in-first-out (FIFO) buffers for temporarily storing data from the respective data streams may be dynamically defined,	18, Figure 2	Page 3, lines 1-16
wherein the reader can use less than the maximum number of tracks such that when less than the maximum number of tracks are used, only FIFO buffers for data streams for those tracks used are defined, and wherein each of the FIFO buffers defined has a size equal to the total FIFO	Figure 3	Page 3, lines 17-26

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memory that can be defined in the memory bank divided by the number of tracks being used.		
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VI. GROUNDS of REJECTION to be REVIEWED ON APPEAL

The issue in the present matter is whether:

1. claim 6 is unpatentable over Dahan in view of IBM TDB.

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VII. ARGUMENTI. Rejection of Claim 6 as unpatentable over Dahan in view of IBMTDB

The rejection states in part:

[D]ahan et al. disclose a multitrack optical disc reader comprising a multitrack optical pickup for reading data from multiple tracks of an optical disc and outputting the data from each track in respective data streams in which first-in-first-out buffers for temporarily storing data from the respective data streams may be dynamically defined; which is able to use less than the maximum number of tracks that can read by the pickup; and when less than the maximum possible number of tracks that can be read by the pickup are being used, only FIFO buffers for data streams for those tracks used are defined (citations omitted).

Applicant respectfully disagrees.

Dahan in fact contains no disclosure concerning using less than the maximum number of tracks that can read by the pickup and only defining FIFO buffers for data streams for those tracks used. The Office Action cites Fig. 4B, step 473 in this regard. However, what this step in fact pertains to is the *linking of rotations*. That is, the buffer memory in Dahan is organized into rotations, each rotation having memory space identifying storage locations of the data blocks for each one of the plurality of channels for at least one revolution of the optical disk. Because of the way the pickup is servoed, channel 7 re-reads the same track that was read previously by channel 1 (col. 6, lines 50-65). In step 473, the duplicate blocks are removed. Whether or not the duplicate track is "used," clearly Dahan teaches storing the duplicate track in the buffer.

Hence, it may be seen that Dahan does not teach or suggest the invention as claimed.

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In view of the above, applicant submits that all of the above referred-to claims are patentable over the teachings of the cited references.

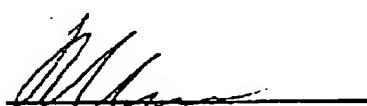
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VIII. CONCLUSION

In view of the above analysis, it is respectfully submitted that the referenced teachings, whether taken individually or in combination, fail to anticipate or render obvious the subject matter of any of the present claims. Therefore, reversal of all outstanding grounds of rejection is respectfully solicited.

Date: 03/06/2007

By: 
Michael Ure
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APPEAL
Serial No.: 10/511,211IX. APPENDIX: THE CLAIMS ON APPEAL

6. A multitrack optical disc reader comprising:
- a multitrack optical pick up for reading data from multiple tracks of an optical disc and outputting data from each track in respective data streams; and
 - a memory bank in which first-in-first-out (FIFO) buffers for temporarily storing data from the respective data streams may be dynamically defined, wherein the reader can use less than the maximum number of tracks such that when less than the maximum number of tracks are used, only FIFO buffers for data streams for those tracks used are defined, and wherein each of the FIFO buffers defined has a size equal to the total FIFO memory that can be defined in the memory bank divided by the number of tracks being used.

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X. APPENDIX: RELATED PROCEEDINGS

NONE

XI. APPENDIX: EVIDENCE

NONE